

Civil Rights Consortium

November 1, 2021

BY ECF

Hon. Sarah L. Cave, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1670
New York, NY 10007

**Re: Duran et al., vs E L G etc., et al.
Civil Action No. 18-06685(GBD)(SLC)**

Dear Judge Cave,

I am writing in response to the Plaintiffs' letter to the Court, dated October 29, 2021. I have since had the opportunity to communicate with Plaintiffs' counsel. I am not aware of any discovery dispute. There is the issue of deposing the two plaintiffs, which has not yet occurred, not because of any discovery dispute, but rather because of counsel for both sides having been unavailable on dates proposed by one-side, then the other.

On October 29, 2021, I noted to Plaintiffs' counsel that except for December 2nd and 10th, I was unavailable to depose the Plaintiffs, but that if Plaintiffs' counsel provided two or three other good dates for December, I would work around my schedule so that the depositions could be done. In response, the office of Plaintiffs' counsel inadvertently misunderstood me to be offering December 2nd and 10th as two dates for the Plaintiffs' depositions and responded that those dates were not good for Plaintiffs' counsel. Additionally, Plaintiffs' counsel noted that they were still awaiting previously requested financials.

I, in turn, responded that I did not provide the 2nd and 10th as proposed deposition dates, but as dates which I could not work around for purposes of the Plaintiffs' depositions. In response Plaintiffs' counsel noted that the parties would further discuss working out such dates this week. Additionally, in so

responding, Plaintiffs' counsel raised two (2) possible discovery issues: (1) disclosure of the Defendant Raymond Lopez's financials, and (2) the Defendants' so-called connection with Edward Grant. Plaintiffs' counsel stated its position that since Mr. Lopez's financials had been requested when I was attorney of record for Mr. Lopez, I continue to be under an obligation to provide such disclosures. Respectfully, I do not agree with that position. I feel uncomfortable making disclosures on behalf of a party with whom the client that I represent has a conflict. In any event, I noted to Plaintiffs' counsel that I was not in possession of any such disclosures, nor had I ever been.

As to Edward Grant, I believe the reference to Edward Grant is a reference to an entity. There is no Edward Grant entity named in or cited in the original complaint or First Amended Complaint ("FAC"). The Plaintiff's only mention of Edward Grant in the FAC is the location of the then parking lot, located at 1240 Edward L. Grant Hwy, Bronx, NY 10452. Therefore, the only outstanding discovery that I am aware of, is the Plaintiffs' depositions, which the parties have agreed to discuss and come to an agreement on dates for such to occur.

Sincerely,

Civil Rights Consortium

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